

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**TV INTERACTIVE DATA CORPORATION, a  
California Corporation,**

Plaintiff,

V.

SONY CORPORATION; SONY COMPUTER ENTERTAINMENT INC.; SONY COMPUTER ENTERTAINMENT AMERICA, INC.; SONY CORPORATION OF AMERICA; SONY ELECTRONICS, INC.; SAMSUNG ELECTRONICS CO., LTD.; SAMSUNG ELECTRONICS AMERICA, INC.; ROYAL PHILIPS ELECTRONICS N.V.; PHILIPS ELECTRONICS NORTH AMERICA CORPORATION; TOSHIBA CORPORATION; TOSHIBA AMERICA, INC.; TOSHIBA AMERICA CONSUMER PRODUCTS, L.L.C.; VICTOR COMPANY OF JAPAN, LTD.; JVC AMERICAS CORP.; LG ELECTRONICS, INC.; LG ELECTRONICS U.S.A., INC.; ZENITH ELECTRONICS LLC; PIONEER CORPORATION; PIONEER ELECTRONICS (USA) INC.; SHARP CORPORATION; SHARP ELECTRONICS CORPORATION; FUNAI ELECTRIC CO., LTD.; FUNAI CORPORATION, INC.; D&M HOLDINGS INC.; D&M HOLDINGS US, INC.; AND DENON ELECTRONICS (USA), LLC.

### Defendants.

Case No. C 10-00475 PJH

**STIPULATION AND  
[PROPOSED] AMENDED  
ORDER/COMMISSION FOR  
DEPOSITIONS TO BE TAKEN IN  
JAPAN**

**DEONENT:  
FUNAI ELECTRIC CO., LTD.  
AND INDIVIDUALS**

## **JOINT STIPULATION**

Beginning on or about October 17, 2011, TV Interactive Data Corp. (“TVI”) will begin depositions of certain witnesses from Funai Electric Co. Ltd. (“Funai”) at the U.S. Consulate in Osaka-Kobe. TVI and Funai hereby submit and jointly stipulate to the following Proposed Amended Order/Commission for Depositions to be Taken in Japan.

The following Proposed Amended Order/Commission for Depositions to be Taken in Japan differs from the Order/Commission for Depositions to be Taken in Japan signed by Magistrate Judge Lloyd on August 31, 2011, in the following ways:

- (1) The Proposed Amended Order/Commission includes an additional check interpreter in section 2: Akiko Hirashima;
  - (2) The Proposed Amended Order/Commission includes the full name of the individual previously identified as “Mr. Onishi” in sections 1 and 2: Kazuaki Onishi; and
  - (3) The Proposed Amended Order/Commission adds Mr. Kanji Imanishi as a deponent.

**FOR PLAINTIFF TV INTERACTIVE DATA CORP.  
ROBINS, KAPLAN, MILLER & CIRESI, L.L.P.**

By: /s/ Sang Young A. Brodie  
Sang Young A. Brodie (pro hac vice)  
E-mail: sybrodie@rkmc.com  
Richard M. Martinez (pro hac vice)  
E-mail: rmmartinez@rkmc.com  
Trevor J. Foster (pro hac vice)  
E-mail: tjfoster@rkmc.com  
Victor C. Chan (pro hac vice)  
E-mail: vcchan@rkmc.com

Dated: October 7, 2011

**FOR DEFENDANT FUNAI ELECTRIC CO., LTD. AND INDIVIDUAL DEPONENTS:  
BAKER & HOSTETLER, LLP**

By: /s/ Kevin W. Kirsch  
Kevin W. Kirsch  
E-mail: kkirsch@bakerlaw.com  
David A. Mancino  
E-mail: dmancino@bakerlaw.com  
John F. Bennett  
E-mail: jbennett@bakerlaw.com

Dated: October 7, 2011

I, Kevin W. Kirsch, am the ECF user whose User ID and Password are being utilized in the electronic filing of the STIPULATION AND [PROPOSED] AMENDED ORDER/COMMISSION FOR DEPOSITIONS TO BE TAKEN IN JAPAN. Pursuant to the Northern District of California's General Order 45(X)(B), I attest that concurrence in the filing has been obtained from Sang Young A. Brodie.

Dated: October 7, 2011

/s/ Kevin W. Kirsch

Kevin W. Kirsch

**[PROPOSED] AMENDED ORDER/COMMISSION FOR DEPOSITIONS TO BE TAKEN  
IN JAPAN**

TO: ANY CONSUL OR VICE CONSUL OF THE UNITED STATES OF AMERICA  
AT OSAKA-KOBE, JAPAN

Upon the application of Complainant TV Interactive Data Corporation (“TVI”), in *TVI Data Corp. v. Sony Corp., et al.*, Inv. No. 10-00475, before the U.S. District Court for the Northern District of California, and pursuant to Article 17 of the United States – Japan Consular Convention,

**IT IS ORDERED THAT** the depositions on notice of the following witnesses may be taken at the U.S. Consulate in Osaka-Kobe, Japan, on one or more dates during the period from on or about October 17, 2011, at 8:30 a.m. to on or about November 10, 2011 at 4:00 p.m. as follows, and that any documentary exhibits in connection therewith be marked:

**1. Fed. R. Civ. P., Rule 30(b)(6) deposition of Funai Electric Co., Ltd.**

**Funai Electric Co., Ltd.**  
7-7-1 Nakagaito, DaitoCity  
Osaka 574-0013, Japan

Potential witnesses for the Fed. R. Civ. P., Rule 30(b)(6) deposition of Funai Electric Co. include, at the discretion of Funai Electric Co., any combination of one or more of the following:

Goro Seki  
Kazuyuki Fujiwara  
Yoshikazu Fujita  
Makato Takemoto  
Shigeru Yokota  
Yoichi Kanazawa  
Kozo Wada

Tadashi Shimoguchi  
Tsuyoshi Kamitani  
Hideo Saito  
Hiroki Nakamura  
Jun Tateishi  
Kazuaki Onishi

**2. Fed. R. Civ. P., Rule 30(b)(1) depositions of individuals**

Potential witnesses for depositions under Fed. R. Civ. P., Rule 30(b)(1) include:

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1 Goro Seki  
2 Kazuyuki Fujiwara  
3 Yoshikazu Fujita  
4 Shinji Seki  
5 Makato Takemoto  
6 Shigeru Yokota  
7 Yoichi Kanazawa

Kozo Wada  
Tadashi Shimoguchi  
Tsuyoshi Kamitani  
Hideo Saito  
Hiroki Nakamura  
Jun Tateishi  
Kazuaki Onishi  
Kanji Imanishi

5  
6 Counsel for Defendant Funai Electric Co. who will participate in said depositions are  
7 Kevin W. Kirsch, David A. Mancino, and John F. Bennett. In addition, William Mangioni-Smith  
8 may attend on behalf of Funai Electric Co.

9 Members of Funai Electric Co.'s Intellectual Property Group that may attend the  
10 depositions include Hisao Tatsumi, Goro Seki, Hiroki Nakamura, and Takafumi Ishii.

11 Check interpreters that may be attending the depositions include:

12 Yoshiyuki Onishi  
13 Christopher Field  
14 Asami Isomichi  
15 Mia Matsumura  
16 Junko Sumida  
17 Toyu Yazaki  
18 Ellen Shang Travis  
19 Akiko Hirashima

20 Counsel for TVI who will participate in said depositions are Richard M. Martinez, Sang  
21 Young A. Brodie, Trevor J. Foster, and Victor C. Chan. In addition, James Tornes and Andrew  
22 Wolfe may attend on behalf of TVI.

23 Jared Taylor will act as interpreter.

24 The proceedings will be recorded by Christopher Sheppard Hanlon, Lee Anthony Bowry,  
25 Peter Wai Kwong Au, Jeffrey Marc Menton, Randell Buckler, Deborah Marshall, Jodi Harmon,  
26 Lawrence Paul Nelson, Melanie Louise Giamarco, Tracey LoCastro and/or Randi Birnhak with  
27 American Realtime Court Reporters & Videographers. Please cause the testimony of said  
witnesses to be recorded by video and reduced to writing; the depositions to be signed by said  
witnesses; said deposition testimony to be annexed to your Commission and closed under your  
seal; and the return of these materials to this Court with all convenient speed.

1 WITNESS, the Honorable Phyllis J. Hamilton, United States District Judge of the United States  
2 District Court, Northern District of California, this 12th day of October 2011.

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5 Honorable Phyllis J. Hamilton  
6 United States District Court  
Northern District of California  
Oakland Courthouse, Courtroom 3 - 3rd Floor  
1301 Clay Street,  
7 Oakland, CA 94612

I hereby certify that the signature above is that of the Honorable Phyllis J. Hamilton, United  
8 States District Judge of the United States District Court, Northern District of California.

9 \_\_\_\_\_ Clerk of the Court.  
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11 By: \_\_\_\_\_  
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Deputy Clerk: \_\_\_\_\_  
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Seal:  
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## **CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Baker & Hostetler LLP, whose address is 312 Walnut Street, Suite 3200, Cincinnati, Ohio 45202. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on October 7, 2011, I served the following:

**STIPULATION AND [PROPOSED] AMENDED ORDER/COMMISSION FOR  
DEPOSITIONS TO BE TAKEN IN JAPAN**

**BY ELECTRONIC SERVICE** by electronically mailing a true and correct copy through Baker & Hostetler LLP's electronic mail system to the e-mail addresses set forth below per agreement of the parties in accordance with Fed. R. Civ. P. 5(b).

Robert E. McBride  
Email: rmcbride@mayerbrown.com  
Mayer Brown LLP  
1999 K Street, NW  
Washington, DC 20006-1101

Sten Anker Jensen  
Email: sjensen@orrick.com  
Orrick Herrington & Sutcliffe LLP  
1152 15th St. NW  
Washington, DC 20005

Steven J. Routh  
Email: srouth@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
1152 15th Street, NW  
Washington, DC 20005

**BY MAIL** by placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Cincinnati, Ohio, in sealed envelopes with postage fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7, 2011, in Cincinnati, Ohio.

/s/ John F. Bennett  
John F. Bennett